

C O P Y

1954

Jan. 27

Dr. Milton G. Bailey  
Commissioner of Education  
Department of Education  
State House Annex

Dear Dr. Bailey:

Reference is made to your letter of January 15, 1954 in which you inquire as to the power of the State Board of Education to exercise general supervision of all non-public schools in the State.

As you have indicated in your letter, the powers of the State Board over public schools has been determined to be the power to supervise the educational facilities offered in the State. This power is considered to be a reasonable supervision, and it necessarily includes with it the power to reject the unfit. State v. Hart, 84 N.H. 33.

This power to reject the unfit is the controlling factor over private schools. R. L. c. 137, s. 1 as amended by c. 283, laws of 1953 and R. L. c. 133, ss. 23 and 25 as amended, provided in every instance that an approved private school is the equivalent of a public school.

Your specific questions, A through F, may be answered by stating that anything required by the State Board, to meet the minimum standards for approval, may be required of private schools. If the Board exercises its discretion, and fails to approve a private school for non-compliance with Board directions, such school may seek, and obtain, court relief. For this reason caution should be exercised.

Very truly yours,

Arthur E. Bean, Jr.,  
Assistant Attorney General

AMH:JCM

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